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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ALVIN HENNINGTON, JR., Plaintiff, v. VA SAN DIEGO HEALTHCARE SYSTEM, Defendant.	Case No. 08cv0883 JAH (LSP) NOTICE OF MOTION AND MOTION TO DISMISS DATE: September 15, 2008 TIME: 2:30 p.m. CTRM: 11 JUDGE: Hon. John A. Houston NO ORAL ARGUMENT UNLESS REQUESTED BY THE COURT

TO: PLAINTIFF, ALVIN HENNINGTON, JR.

PLEASE TAKE NOTICE that on Monday, September 15, 2008 at 2:30 p.m., or as soon thereafter as counsel may be heard, in the Courtroom of the Honorable John A. Houston, Defendant, through its attorneys of record, Karen P. Hewitt, United States Attorney, and Christopher B. Latham, Assistant United States Attorney, will bring on its Motion to Dismiss pursuant to Rules 8, 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

This motion is based upon the accompanying memorandum of points and authorities, and the files and records of this case.

DATED: July 18, 2008

KAREN P. HEWITT
United States Attorney

s/ Christopher B. Latham

CHRISTOPHER B. LATHAM
Assistant U.S. Attorney
Attorneys for the United States of America